



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

19 AUG 2015

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7002 0860 0006 5959 9772

The Corporation Company, Inc.
Registered Agent, Royal Oak Enterprises, LLC
112 S.W. Seventh Street
Suite 3C
Topeka, Kansas 66603

Re: Request for Information Pursuant to Section 308 of the Clean Water Act

To Whom It May Concern:

On April 21, 2015, a representative of the U.S. Environmental Protection Agency inspected the Royal Oak Enterprises, LLC facility in Chetopa, Kansas. The inspection was conducted under the authority of Section 308 of the Clean Water Act, 33 U.S.C. § 1318. The purpose of this letter is to obtain additional information so the EPA can determine the facility's compliance with the CWA and its National Pollutant Discharge Elimination System stormwater permit.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to require the submission of any information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 *et seq.* Under the authority of Section 308 of the CWA, the EPA hereby requires Royal Oak to provide the information requested in **ENCLOSURE 1 by the deadlines set forth therein.**

Guidance on How to Respond

Please read the instructions included in ENCLOSURE 1 carefully before preparing your responses to this Information Request. Every response to this request must be accompanied by a certificate that is signed and dated by an authorized representative of the facility, as identified by 40 C.F.R. § 122.22. The certification must state that the response is complete and contains all information and documentation available to you pursuant to the request. A Statement of Certification is enclosed with this letter (ENCLOSURE 2).

Important Information about This Request and the Response

Compliance with this information request is mandatory. Please be advised that failure to respond completely, accurately or submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001.



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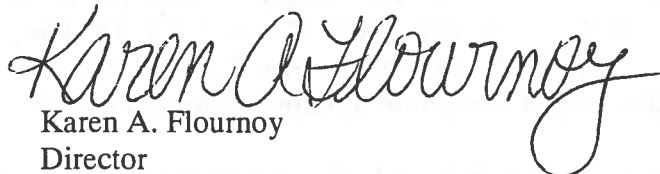
The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. Royal Oak may assert a business confidentiality claim with respect to part or all of the information submitted to the EPA under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, and the regulations at 40 C.F.R. § 2, and in the manner described at 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means, of the procedures set forth in 40 C.F.R. § 2, Subpart B. If no such claim accompanies the information when it is submitted to the EPA, it may be made available to the public by the EPA without further notice to Royal Oak. Please note that effluent information may not be regarded as confidential.

Information submitted pursuant to this Section 308 information request, with a signed Statement of Certification (ENCLOSURE 2), shall be sent in a manner that allows you to track delivery and addressed as follows:

**Seth Draper
U.S. Environmental Protection Agency Region 7
WWPD/WENF
11201 Renner Blvd.
Lenexa, Kansas 66219**

We appreciate your cooperation and prompt attention to his matter. If you have any questions regarding this information request, please contact Mr. Seth Draper at (913) 551-7080.

Sincerely,

A handwritten signature in black ink, reading "Karen A. Flournoy". The signature is fluid and cursive, with the first name "Karen" being the most prominent part.

Karen A. Flournoy
Director
Water, Wetlands and Pesticides Division

Enclosures

cc: Mike Tate, KDHE

ENCLOSURE 1

INFORMATION REQUEST

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

I. Instructions

1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety.
3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within ten (10) business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within ten (10) business days of when you find the information is false or misrepresents the truth.
4. The Statement of Certification found in ENCLOSURE 2 must be submitted along with your responses every time a submission is made pursuant to this information request. This statement must be made by a person authorized to sign reports pursuant to 40 C.F.R. § 122.22(b). For your convenience, the text of 40 C.F.R. § 122.22(b) is included on ENCLOSURE 2.
5. If you believe any of the requested information is confidential, you may assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. § 2, Subpart B. Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
6. Compliance with this information request is mandatory. Please be advised that failure to respond completely, accurately or submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the Act for seeking, maintaining, or complying with an applicable Nebraska Pretreatment Program (NPP) permit.
7. All information should be submitted in a manner that allows you to track delivery, and must be submitted to:

Seth Draper
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
11201 Renner Blvd.
Lenexa, Kansas 66219

II. Requested Information

Please submit your response to this Information Request as directed below in Section II.B., to the address provided in Section I.

Note that except for a cover letter or memorandum and the Statement of Certification, 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disk in PDF, Word, Excel or other widely available electronic format.

A. Preliminary Information

1. In each response required under Section II.B., identify the person to contact regarding your response, including title, address and phone number.
2. Your responses to this Information Request are to be provided by a qualified professional. In each response required under Section II.B., provide the name and credentials of the person(s) providing information in response to this Information Request.

B. Facility Ownership and Operation

1. State the date of Royal Oak's acquisition of the facility located at 812 N. 11th Street in Chetopa, Kansas. Describe the nature of that sale/merger and provide supporting documentation.
2. What is your relationship with the company known as Frontier Charcoal?
3. What is your relationship with the company known as Packaging Service, Inc.?
4. Is the facility currently operating? If the facility is not operational, what date did it cease operation? If the facility is not operational, do you intend to restart operations at the facility? If so, when?
5. Is a clean-up currently ongoing at the property? If so, describe the nature of this cleanup, including how and where soils are being disposed. What testing is occurring on wastes or materials from the facility prior to disposal?

C. Updates Since the EPA Inspection

1. The EPA inspection cited a number of Stormwater Pollution Prevention Plan (SWPPP) deficiencies. What SWPPP updates have been made since the EPA inspection?

2. What is the current revision date of the SWPPP?
3. What good housekeeping efforts have been taken to ensure product is not being discharged from the facility via stormwater?
4. Submit the last quarterly inspection completed.
5. Submit the corrective actions completed as a result of the required permit conducted quarterly inspection.
6. Submit the date of the planned comprehensive site inspection. If already completed, submit the inspection results and corrective actions planned and taken.
7. Submit the records of the training events held to inform employees of the SWPPP and their responsibilities.
8. The EPA inspection identified numerous deficiencies in stormwater BMP implementation, maintenance, and condition. Submit to EPA a detailed summary of the stormwater BMPs implemented onsite. The list must include the date the BMP was installed, the location of the BMP, the updated SWPPP map identifying the location and installation data, and individual photos of the stormwater BMPs.

ENCLOSURE 2

STATEMENT OF CERTIFICATION

(To be submitted with every response to the Information Request)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Signature

Date

Printed Name

Title

40 C.F.R. § 122.22(a). Signatories to permit applications and reports.

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

